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OFFICE OF PETITIONS

Applicant: Richard Levy
Appl. No.: 09/779,559
Filing Date: February 9, 2001
Title: LUBRICANT COMPOSITIONS AND METHODS
Attorney Docket No.: 01064.0011-06000
Pub. No.: US 2001/20010049344
Pub. Date: December 26, 2001

This is in response to the petition under 37 CFR 1.181, filed on April 12, 2002 for a corrected patent application publication, which is being treated as a request for correction of patent application publication under 37 CFR 1.221(b).

The request is DISMISSED.

The instant request is that the application be republished including the preliminary amendment filed on February 9, 2001, which canceled original claims 1-56 and substituted therefore new claims 57-68.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." The request for corrected publication received on April 12, 2002, was not timely filed under 37 CFR 1.221(b). Additionally, a patent application publication does not include preliminary amendments, according to 37 CFR 1.215(a), which says the following, in part:

(a) ... The patent application publication will not include any amendments, including preliminary amendments, unless applicant supplies a copy of the application containing the amendment pursuant to paragraph (c) of this section.

§ 1.215(c) says the following:

(c) At applicant's option, the patent application publication will be based upon the copy of the application (specification, drawings, and oath or declaration) as amended during examination, provided that applicant supplies such a copy in compliance with the Office electronic filing system requirements within one month of the actual filing date of the application or fourteen months of the earliest filing date for which is sought under title 35, United States Code, whichever is later.

The applicant did not supply a copy of the application in compliance with § 1.215(c). The Office correctly published claims 1-56 in accordance with § 1.215(a).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in

§ 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(b), should be addressed as follows:

By mail to: Box PGPUB
Commissioner for Patents
Washington DC 20231

By facsimile: 703-305-8568

Inquiries relating to this matter may be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).

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